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PATTON BOGGS  
1660 LINCOLN ST  
SUITE 2050  
DENVER, CO 80264

EXAMINER

LOVING, JARIC E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/913,690	<b>Applicant(s)</b> RUMP ET AL.	
	<b>Examiner</b> Jaric Loving	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/23/02
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 7 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/17/01, 4/1/02, 3/14/05, 3/17/05</u>                                    | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7 and 14 are objected to because of the following informalities:

Claim 7, line 8 recites "more copy." It is believed --more copies-- was intended.

Claim 14, lines 4-5 recite "multiply." It is believed --multiple-- was intended.

Appropriate correction is required.

### ***Specification***

1. The disclosure is objected to because of the following informalities:

On page 12, line 30, reference numeral 29 in Figure 2 is used to refer to the "crypt-block," but that is reference numeral 28.

On page 15, line 27, there is no reference numeral 12 for header in Figure 3.

On page 15, line 28, there is a reference to "entry bit mask," reference numeral 52 in Figure 3, but the proper label is simply "bit mask."

On page 17, line 1, there is a reference to "entry allowed replay number," with no reference numeral.

On page 19, lines 1 and 10, recite "IP information block" and "author information," but no reference numerals are given.

The rest of the specification contains similar types of deficiencies as those described, the number and nature of which is too numerous to mention each individually. It is incumbent upon Applicant to ensure any amendment addresses the deficiencies of addition to those specifically noted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14, 16-17, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-4, 6-14, and 16-17 are directed to an abstract idea of converting one set of numbers to another. They are non-statutory.

Claim 5 has a player recited as the receiver of the first data stream, however it does not limit the method. It is also non-statutory.

Claim 19 is directed to an abstract idea of an apparatus converting one set of numbers to another. The specification does not provide the means plus function limitation because "supplier of multimedia data" is not necessarily tangibly embodied.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 3 recites the limitation "ISRC number," "ISAN number," and "ISMN number" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. The acronyms are defined in the specification.

5. Claim 4 recites the limitation "the receiver of the first data stream" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

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6. Claim 5 recites the limitation " the receiver of the first data stream " in lines 2-3.

There is insufficient antecedent basis for this limitation in the claim.

7. Claim 8 recites the limitation "the supplier of the first data stream" in lines 12-13.

There is insufficient antecedent basis for this limitation in the claim.

8. Claim 12 recites the limitation "the key" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 17 recites the limitation "the apparatus" in lines 4 and 10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

10. Claims 1-4,13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Cannella, Jr., US 5,854,840.

In claim 1, Cannella discloses a method for generating a second data stream from a first data stream which comprises a first header and a first payload data block with payload data, the method comprising the following steps (col. 2, lines 33-64):

Cannella recites a single data packet, which anticipates applicant's data streams, but with two different headers at different parts of the packet with each part performing a different function. For practical purposes, Cannella provides two separate data packets.

extracting the first header from the first data stream (col. 2, line 58 – col. 3, line 27);

generating a second header for the second data stream (col. 2, lines 58-64);

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entering at least a part of the first header into the second header, the part of the first header including information which allows conclusions as to the origin of the payload data (col. 2, line 58 – col. 3, line 27); and

Cannella discusses the use of CRC or cyclic redundancy check. CRC is used for error detection and requires information of the origin of the data.

generating a second payload data block having the same payload data as the payload data block of the first data stream, so as to obtain the second data stream (col. 2, line 58 – col. 3, line 27).

In claim 2, Cannella discloses a method as claimed in claim 1, wherein the information allowing conclusions as to the origin of the first data stream includes an identification for a supplier of the first data stream (col. 2, line 58 – col. 3, line 27 and col. 8, line 60 – col. 9, line 44).

As previously stated, Cannella's use of CRC contains information of the origin of the data, which also identifies the sender of the data packet so that the receiver can detect errors.

In claim 3, Cannella discloses a method as claimed in claim 1, wherein the information allowing conclusions as to the origin of the first data stream includes author information, such as the author, the component, the ISRC number, the ISAN number or the ISMN number of the payload data of the first data stream (col. 4, lines 5-28).

Cannella recites the originating data may contain any information and is user data, which anticipates applicant's author information.

In claim 4, Cannella discloses a method as claimed in claim 1, wherein the part of the first header, which is entered into the second header, further comprises an identification of the receiver of the first data stream (col. 2, line 58 – col. 3, line 27 and col. 8, line 60 – col. 9, line 44)

Cannella recites that CRC will calculate the receive data, which requires CRC to identify the proper receiver for error detection.

In claim 5, Cannella teaches the method as in claim 4, wherein the identification is device-specific, and the receiver of the first data stream is a player indicated by the identification, or a smart card (col. 4, lines 5-15).

Cannella recites various types of equipment and data, which would require a player in order to properly use that data.

In claim 13, Cannella discloses a method as claimed in claim 1, wherein the step of entering, the entire first header is entered into the second header (col. 2, line 58 – col. 3, line 27).

Cannella recites a single data packet, which means the first header is part of the second header in the same packet.

In claim 19, Cannella discloses an apparatus for generating a second data stream from a first data stream which comprises a first header and a first payload data block with payload data, the apparatus comprising the following (col. 2, lines 33-64 and col. 13, lines 11-18):

means for extracting the first header from the first data stream (col. 2, line 58 – col. 3, line 27);

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means for generating a second header for the second data stream (col. 2, lines 58-64);

means for entering at least a part of the first header into the second header, the part of the first header including information which allow conclusions as to the origin of the payload data (col. 2, line 58 – col. 3, line 27); and

means for generating a second payload data block which comprises the same payload data as the payload data block of the first data stream, so as to obtain the second data stream (col. 2, line 58 – col. 3, line 27).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 6-12, 14-18, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cannella as applied to claims 1 and 4 above, and further in view of Erickson, US 5,765,152.

In claim 6, Cannella teaches a part of the first header entered into the second header, but fails to teach the header comprising license data relating to the manner in which the data stream should be used. Erickson teaches the use of license data relating to the manner in which data should be used (col. 3, line 18 – col. 4, line 15 and col. 5, lines 30-58).



It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to use license data that related the manner in which data should be used. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a license data in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 7, Cannella fails to teach that the license data provides the number of times a data stream may be copied. Erickson teaches the license data providing the number of times a data stream may be copied (col. 3, line 18 – col. 4, line 15 and col. 5, lines 30-58). Erickson recites the use of a data container with a minimum permissions data set specifying the minimum authorizations to access the media, which anticipates applicant's limit on copying.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to enable license data providing the number of times a data stream may be copied. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a license data in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 8, Cannella teaches a second header with a receiver identification as a user identification, which is the supplier identification. Cannella fails to teach entering

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the identification of the receiver of the first data stream as a user identification into a part of the second header. Erickson teaches entering the identification of the receiver of the first data stream as a user identification into a part of the second header (col. 3, line 18 – col. 4, line 15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to enter identification of the receiver of a data stream as a user identification into part of a header. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with identification of the receiver as a user identification in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 9, Cannella fails to teach using a digital signature in a header. Erickson teaches using a digital signature in a header (col. 7, lines 18-25 and col. 8, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to use a digital signature in a header. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a digital signature in a header in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 10, Cannella fails to teach forming a hash sum on a header and encrypting the hash sum with an asymmetric encryption method using a private key. Erickson teaches forming a hash sum on a header (col. 4, lines 36-42) and encrypting the hash sum with an asymmetric encryption method using a private key (col. 8, lines 43-57 and col. 20, lines 51-67).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to form a hash sum on a header and encrypt the hash sum with an asymmetric encryption method using a private key. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a form a hash sum on a header and encrypt the hash sum with an asymmetric encryption method using a private key in a header in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 11, Cannella fails to teach payload data being partly encrypted and encrypting information is contained in the header, decrypting a payload data, encrypting decrypted payload data and encrypting information of a header. Erickson teaches payload data being partly encrypted and encrypting information is contained in the header (col. 4, lines 36-42), decrypting a payload data (col. 23, lines 18-30 and col. 24, lines 40-61), encrypting decrypted payload data and encrypting information of a header (col. 23, lines 18-30 and col. 24, lines 40-61). Erickson doesn't expressly mention decryption, but encrypted data inherently requires decryption in order to be viewed.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to have payload data being partly encrypted and encrypting information is contained in the header, decrypting a payload data, encrypting decrypted payload data and encrypting information of a header. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with payload data being partly encrypted and encrypting information is contained in the header, decrypting a payload data, encrypting decrypted payload data and encrypting information of a header in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 12, Cannella fails to teach the payload data block encrypted symmetrically and a key encrypted asymmetrically with a private key, decrypting the encrypted key with a public key of the supplier, encrypted a payload data key of the decrypted payload data using a private key of the receiver, and entering the asymmetrically encrypted payload data key into a header. Erickson teaches the payload data block encrypted symmetrically and a key encrypted asymmetrically with a private key (col. 8, lines 31-67, col. 23, lines 18-30, and col. 24, lines 40-61), decrypting the encrypted key with a public key of the supplier (col. 9, lines 41-60 and col. 21, lines 34-49), encrypted a payload data key of the decrypted payload data using a private key of the receiver (col. 9, lines 41-60, col. 21, lines 34-49, and col. 23, lines 18-30), and entering the asymmetrically encrypted payload data key into a header (col. 9, lines 41-

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60, col. 21, lines 34-49, and col. 23, lines 18-30). Erickson does not expressly mention symmetrical or asymmetrical encryption, but provides for any encryption method (col. 23, lines 31-33).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to have the payload data block encrypted symmetrically and a key encrypted asymmetrically with a private key, decrypting the encrypted key with a public key of the supplier, encrypted a payload data key of the decrypted payload data using a private key of the receiver, and entering the asymmetrically encrypted payload data key into a header. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with the payload data block encrypted symmetrically and a key encrypted asymmetrically with a private key, decrypting the encrypted key with a public key of the supplier, encrypted a payload data key of the decrypted payload data using a private key of the receiver, and entering the asymmetrically encrypted payload data key into a header in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 14, Cannella teaches a header, which has data relating to the origin of the data stream, but fails to teach a multiple recursive header structure. Erickson teaches the use of a multiple recursive header structure (col. 3, lines 18-34). Erickson does not expressly mention a multiple recursive header structure, but a data container

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with a minimum number of authorizations to access data anticipates applicant's recursive header.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to have a recursive header. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a recursive header in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 15, Cannella teaches a second data stream and header being generated from the first data stream and header, containing information of the origin of the first data stream, extracting a part of the first header from the second header, verifying the origin of the second data stream using part of the first data stream, which comprises information of the origin. Cannella fails to teach playing the data stream if verification is positive. Erickson teaches playing the data stream if verification is positive (col. 24, lines 40-61).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to play a data stream upon positive verification. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus to play a data stream upon positive verification in order to manage and control the

access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 16, Cannella fails to teach a header of a data stream having a digital signature and checking the authenticity of the header using the signature. Erickson teaches a header of a stream having a digital signature (col. 7, lines 18-25 and col. 8, lines 43-57) and checking the authenticity of the header using the signature (col. 8, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to enable a header of a data stream with a digital signature and check the authenticity of the header using the signature. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a header of a data stream with a digital signature and check the authenticity of the header using the signature in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 17, Cannella fails to teach a digital signature resulting from encryption of a hash of a header via a private key, decrypting the digital signature by a public key, forming a hash sum on a header, comparing the hash sums, and issuing a positive result if the hash sums match. Erikson teaches a digital signature resulting from encryption of a hash of a header via a private key (col. 4, lines 36-42 and col. 23, lines 18-30), decrypting the digital signature by a public key (col. 8, lines 43-57 and col. 24,

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lines 40-61 – viewing the media inherently requires decryption), forming a hash sum on a header (col. 4, lines 36-42 – header is part of the data), comparing the hash sums (col. 20, lines 51-67 – comparing digital signatures that were hashed), and issuing a positive result if the hash sums match (col. 21, lines 34-49).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to enable a digital signature resulting from encryption of a hash of a header via a private key, decrypt the digital signature by a public key, form a hash sum on a header, compare the hash sums, and issue a positive result if the hash sums match. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus with a header of a data stream with a digital signature resulting from encryption of a hash of a header via a private key, decrypt the digital signature by a public key, form a hash sum on a header, compare the hash sums, and issue a positive result if the hash sums match in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 18, Cannella teaches comparing a sent data stream to a received data stream via CRC, but Cannella fails to teach license information regarding how a data stream may be used, comparing the license data of the second header to the first header, and block playing of the data stream upon a questionable authenticity. Erickson teaches license information regarding how a data stream may be used (col. 3, line 18 – col.4, line 15 and col. 5, lines 30-57), comparing the license data of the second



header to the first header (col. 3, line 18-34), and block playing of the data stream upon a questionable authenticity (col. 24, lines 40-61).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to provide license information regarding how a data stream may be used, compare the license data of the second header to the first header, and block playing of the data stream upon a questionable authenticity. Erickson does not expressly mention comparing license data on headers, however, Cannella does teach comparing a data stream and since the license data from Erickson can be a part of that data stream, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that advantage of comparing the license data in the header. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus to provide license information regarding how a data stream may be used, compare the license data of the second header to the first header, and block playing of the data stream upon a questionable authenticity in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 20, Cannella fails to teach an apparatus designed as a personal computer. Erickson teaches an apparatus designed as a personal computer (col. 25, lines 28-53).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to provide an apparatus

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designed as a personal computer. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus to provide an apparatus designed as a personal computer in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 21, Cannella teaches an apparatus to play a data stream comprising a second header and second payload data block generated from a first data stream, which comprises the origin of the first data stream, means for extracting a part of the header from the second and means for verifying the origin of the second data stream. Cannella fails to teach means for playing a data stream only if it is positively verified. Erickson teaches means for playing a data stream only if it is positively verified (col. 2, line 58 – col. 3, line 27 and col. 24, lines 40-61).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to provide a means for playing a data stream only if it is positively verified. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus to provide means for playing a data stream only if it is positively verified in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

In claim 22, Cannella fails to teach an apparatus designed as a hifi system, as a car hifi system, as a portable multimedia player, as a computer or as a component of

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any of the above-mentioned devices. Erickson teaches an apparatus designed as a hifi system, as a car hifi system, as a portable multimedia player, as a computer or as a component of any of the above-mentioned devices (col. 25, lines 28-53).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to recognize that it is advantageous to provide an apparatus designed as a hifi system, as a car hifi system, as a portable multimedia player, as a computer or as a component of any of the above-mentioned devices. It is for this reason that one of ordinary skill in the art would have been motivated to enable Cannella's data transmission protocol method and apparatus to provide an apparatus designed as a hifi system, as a car hifi system, as a portable multimedia player, as a computer or as a component of any of the above-mentioned devices in order to manage and control the access to the stream of data at the reception end. This prevents the reception device from using copyrighted data (col. 3, lines 13-21).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rump, US 6,735,311; Bestler, US 5,590,202; Wasilewski, US 5,420,866; Movshovich, US 6,438,145; Park, US 5,761,302; Ryan, US 5,315,448; Putzolu, US 6,205,140; McGrane, US 6,496,927; Boucher, US 6,226,680; Barber, US 5,390,297.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaric Loving whose telephone number is (571) 272-1686. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
Art Unit 2137

JL